

HOUSE No. 664

By Ms. Fox of Boston, petition of Gloria L. Fox and others relative to prohibiting discrimination against persons with criminal records. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Gloria L. Fox	Frank I. Smizik
Byron Rushing	Anne M. Paulsen
Dianne Wilkerson	Christine E. Canavan
Timothy J. Toomey, Jr.	

In the Year Two Thousand and Five.

AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS WITH CRIMINAL RECORDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 4 of chapter 151B of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by striking out sub-
3 section (9) and inserting in place thereof the following subsec-
4 tion:—

5 (9) For an employer, employment agency, or job training
6 provider, himself or through his agent, in connection with an
7 application for employment or training, or the terms, conditions,
8 benefits, or privileges of employment or job training, or the
9 transfer, promotion, bonding, or discharge of any person, or in any
10 other matter relating to the employment or training of any person,
11 to refuse to hire, discriminate or otherwise deny employment or
12 training to any person on account of having a criminal record. For
13 an employer, employment agency, or job training provider, him-
14 self or through his agent, in connection with an application for
15 employment or training, or the terms, conditions, benefits, or priv-
16 ileges of employment or job training, or the transfer, promotion,

17 boding, or discharge of any person, or in any other matter relating
18 to the employment or training of any person to make any inquiry,
19 to request any information, to make or keep a record of such
20 information, to use any form of application or application blank
21 which requests such information, or to exclude, limit or otherwise
22 discriminate against any person by reason of his or her failure to
23 furnish such information in any manner regarding: (i) an arrest,
24 detention, or disposition regarding any violation of law in which
25 no conviction resulted, or (ii) a conviction of any of misdemeanor,
26 or (iii) a conviction of any felony. For an employer, employment
27 agency, or job training provider, himself or through his agent, in
28 connection with an application for employment or training, or the
29 terms, conditions, benefits, or privileges of employment or job
30 training, or the transfer, promotion, boding, or discharge of any
31 person, or in any other matter relating to the employment or
32 training of any person to rely upon any criminal charge not
33 resulting in a conviction in making any employment or training
34 decision or to rely upon any erroneously or improperly issued,
35 disseminated, or obtained criminal record.

36 Notwithstanding the foregoing, it shall not be unlawful discrim-
37 ination to refuse to hire a person with a criminal record if one or
38 more convictions or pending charges on the record substantially
39 relate to the circumstances of a position sought. It shall not be
40 unlawful discrimination to rely upon a criminal record when
41 employment depends upon the bondability of an individual as
42 required by federal or state law.

43 No person shall be held under any provision of any law to be
44 guilty of perjury or of otherwise giving a false statement by
45 reason of his failure to recite, acknowledge, or furnish such infor-
46 mation as he has a right to withhold by this subsection.

47 Nothing contained herein shall be construed to affect the appli-
48 cation of section 34 of chapter 94C, or of 276 relative to the
49 sealing of records.